



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Status RE: Proof of Funds in Blocked Account

DOD: 11/27/05	ANITA CHOPERENA is Administrator with bond of \$700,000.00.	NEEDS/PROBLEMS/COMMENTS:
	Administrator's First Amended Second and Final Account and Report was settled on 8/2/16 and the Court ordered that the \$280,538.13 distribution to minor heir Peter Choperena be placed into a two separate insured blocked accounts.	1. On 8/19/16, a "Receipt on Distribution" was filed indicating receipt by the minor heir and his mother of the \$280,564.71.
Aff.Sub.Wit.		However, the Court ordered the funds be placed into a blocked account, <u>not</u> distributed to the minor or parent of minor.
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg	Two Orders to Deposit Money Into Blocked Account were signed along with the final order, one for \$140,000.00 to be deposited with Chase Bank and the other for \$140,538.13 to be deposited with Wells Fargo Bank.	Need Receipt and Acknowledgment of Order for the Deposit of Money Into Blocked Account (Mandatory Judicial Council Form MC-356) reflecting deposits as ordered.
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: skc
Status Rpt		Reviewed on: 8/22/16
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 1- Choperena

2 Lois Elaine Frame (Estate)**Case No. 06CEPR01232****Attorney Matsumoto, Russell D. (for Bertha Frame – Successor Administrator)****Probate Status Hearing for Failure to File a First Account or Petition for Final Distribution**

DOD: 05/27/1999	BERTHA FRAME , was appointed Successor Administrator with Will Annexed, with full IAEA authority and with bond in the amount of \$84,000.00 on 02/11/2016.	NEEDS/PROBLEMS/COMMENTS: Minute Order of 06/21/2016: If Petition is not filed the Court may consider sanctions. Note: First Account filed 08/15/2016. Hearing is set for 09/22/2016.
Cont. from 091615, 120215, 011316, 041216, 062116	Letters issued on 04/07/2016.	
Aff.Sub.Wit.	TED R. FRAME , was appointed Executor with full IAEA authority without bond on 01/23/2007. Executor passed away on 04/24/2015.	
Verified	Letters issued on 01/23/2007	
Inventory	Final Inventory and Appraisal was filed on 07/12/2007 showing an estate valued at \$84,100.00.	
PTC	First Account and/or Final Distribution was due on 03/2008.	
Not.Cred.	Notice of Status Hearing set this matter for the failure to file a First Account or Petition for Final Distribution. Notice was mailed to Russell Matsumoto and Ted R. Frame on 07/16/2015.	
Notice of Hrg	Declaration by Counsel re Status of Proceeding and Requesting Continuance filed by Attorney Matsumoto on 04/08/2016 (for 04/12/2016 hearing) states during the preparation for this hearing, which he believed to be a status hearing for the filing of the First and Final Account of Bertha Frame, which was based on the Probate Minute Order of for the hearing which was held on 01/13/2016, Mr. Matsumoto discovered that he did not have filed endorsed copy of the Order for probate or issued letters. A member of his staff spoke to the Probate Clerk and was advised those pleadings would be presented to the Examiner on 04/07/2016, and available for pick up the following morning.	
Aff.Mail	Please see additional page	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

Reviewed by: LV
Reviewed on: 08/18/2016
Updates:
Recommendation:
File 2 - Frame

A continuance is requested so that he may appear at the hearing on 04/12/2016 for clarification of the Court's requirements, because of his confusion as to the calendar. In paragraph two of this declaration Mr. Matsumoto referred to a minute order which stated, "Status Hearing Re: Filing of the First and Final Account of Bertha Frame." Mr. Matsumoto believed this was accurate because in an earlier hearing during the appointment process of Bertha Frame as personal representative, following the initial notice to appear for failure to file a First Account or Petition for Final Distribution, served 07/16/2015, for a hearing on 09/16/2015, Mr. Matsumoto had representing that a First and Final Account and Petition for Final Distribution would be prepared within a short amount of time of the appointment and qualification of Bertha Frame as personal representative.

When examining the online Court Case Information on 04/07/2016, Mr. Matsumoto noted two items on the docket resulting in further confusion of what is required to be presently before the Court. Contrary to the Probate Minute Order referring to the First and Final Account of Bertha Frame, the online Court Case Information indicated a hearing for 04/12/2016, for the filing of the Final Account of Ted Frame, and further hearing on 03/15/2017, for the filing of the First and Final Account of Bertha Frame.

As a result of the confusion, Mr. Matsumoto seeks further clarification on 04/12/2016, of what is required by the two separate personal representatives serving in this proceeding.

Probate Status Hearing RE: Filing of the Petition for Final Distribution by the Public Administrator

DOD: 1/28/13	History: LUPE GALINDO , Niece and Former Executor, filed her Amended First and Final Account on 6/8/15; however, due to the existence of a certain creditor's claim, the estate did not appear to be in a condition to close.	NEEDS/PROBLEMS/COMMENTS: 1. Need petition for final distribution or written status report per Local Rule 7.5.
Cont. from 030816, 061416		
Aff.Sub.Wit.	At hearing on 3/4/15, Ms. Galindo was removed as Executor and the Public Administrator was appointed as the Personal Representative of the Estate.	Reviewed by: skc Reviewed on: 8/22/16 Updates: Recommendation: File 3- Samora
Verified		
Inventory		
PTC		
Not.Cred.	At hearing on 11/10/15, Ms. Galindo's petition was denied, and the Court set this status hearing for the filing of the petition for final distribution by the Public Administrator.	
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.	Status Report filed 3/7/16 states the PA found a buyer for the real property for over 100% of the appraised value; however, the foreclosure could not be delayed in order to sell the property to that buyer. The PA was informed by their broker that the administrator is entitled to fees. At present, the PA is waiting for a response from Wells Fargo Bank, who is handling any refunds, to find out the status. The PA hopes to have a response by 3/10/16.	
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report	There will be no assets left after the refund is received and outstanding costs of administration are paid because the DHS has a lien in the amount of \$98,508.40. The PA therefore requests a 90 day continuance.	
9202		
Order		
Aff. Posting		
Status Rpt	Status Report filed 5/23/16 states the real property has now been sold at foreclosure. The state contains \$2,538. No response has been received from Wells Fargo as to whether the amount received exceeded the balance owed. An additional 60 days is requested to determine if there is money to be recovered from the sale.	
UCCJEA		
Citation		
FTB Notice		

**First and Final Account and Report of Status of Administration of Administrator and
Petition for Settlement Thereof; for Waiver of Statutory Administrator's Compensation and
Statutory Attorney's Fees; and for Final Distribution**

DOD: 08/14/11		WALID TAREB , son and <u>[Former]</u> Administrator with Limited IAEA without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>Minute Order 6/14/16:</u> Continued to 8/30/16. <u>Note:</u> This petition was filed 11/4/15 by <u>Former</u> Administrator Walid Tareb. On 2/9/16, the Court accepted the resignation of Walid Tareb and appointed MALER ATTAREB as Successor Administrator. <u>Update:</u> A Reappraisal for Sale of the real property was filed 7/13/16. This petition indicates the property was in foreclosure and requests to close the estate as insolvent. If that is no longer the case, amended petition is necessary. The following issues remain noted for reference: <u>SEE PAGE 2</u>
Cont. from 010516, 040516, 061416		Account period: 07/03/13-09/30/15 Accounting: \$85,000.00 Beginning POH: \$85,000.00 Ending POH: \$85,000.00 (real property)	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	w/	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
		<p>Administrator (statutory): Waived</p> <p>Attorney (statutory): Waived</p> <p>Petitioner states that the sole asset of the estate is real property that was appraised at \$85,000.00 and is subject to a loan in favor of Wells Fargo Bank in excess of \$130,000.00 as of 07/13/13 and therefore there is no equity in the property. Wells Fargo commenced foreclosure on the property which was continued several times over the past two years in order to attempt to modify the loan, which was unsuccessful. Consequently, there remain no assets in the estate and the estate is insolvent.</p> <p>Creditor's claims were filed in the estate as follows:</p> <p>CA Franchise Tax Board: \$1,363.92 CA Board of Equalization: \$6,067.41</p> <p>Declaration of Gary Bagdasarian filed 11/23/15 states that the current market value of the residence is approximately \$153,155.00 - \$160,323.00 and the current outstanding balance of the mortgage is \$169,449.46.</p> <p>Successor Administrator Maler Ali Attareb filed a status report on 6/10/16. <u>SEE PAGE 2.</u></p>	
			<p>Reviewed by: JF/skc</p> <p>Reviewed on: 8/24/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4- Tareb</p>

Status Report filed 6/10/16 by Successor Administrator Maler Ali Attareb states he was appointed 2/10/16 and Letters issued 2/11/16. The previous administrator attempted to work with Wells Fargo Bank in restructuring a first deed of trust on the estate property; however, his efforts did not result in said modification being completed. Since appointment, the Successor Administrator has worked with Christopher Riehl in further attempting modification as a foreclosure sale previously set for 2/17/16 has been continued to 8/5/16. They believe there is very good opportunity to restructure the first deed of trust so that the asset may be maintained rather than lost. A contingency of the modification is that all interests be assigned to Petitioner so that upon closing the estate the property will be vested in his name alone. Petitioner is now in the process of obtaining said assignments of interest. Petitioner states he is in contact with the creditors (FTB, BOE), and will file a First Amended First and Final Account and requests further 60-day continuance.

NEEDS/PROBLEMS/COMMENTS: The following remain noted for reference:

1. This petition was filed by the former administrator, Walid Tareb, prior to his resignation and appointment of Maler Attareb, another son of the decedent, as Successor Administrator on 2/9/16 pursuant to ex parte petition and order.

Examiner Notes previously noted that although the estate was requested to be closed as insolvent, the property was not yet foreclosed, and as such was still considered "property on hand." Additionally, several of the heirs were mailed notice at the property.

Examiner Notes also noted that Allowance or Rejection of the Creditor's Claim filed 5/27/14 by the California State Board of Equalization (BOE) had not been filed.

Upon review for this continued hearing, it appears that an Allowance or Rejection of the BOE claim still has not been filed, and the Notice of Hearing filed 1/7/16 for this hearing on 4/5/16 still indicates that mailing to several heirs at the foreclosed address.

At this time, need verified written status update regarding the real property asset of the estate, including whether amended petition by newly appointed the Successor Administrator may be appropriate. Also, the Court may require confirmation that all heirs have received proper notice of this hearing, given the mailing to the foreclosed address.

2. The proposed order reflects that any other property not now known or discovered shall be distributed 82% to the State Board of Equalization (BOE) and 18% to the CA Franchise Tax Board (FTB) until their respective claims are paid, which implies that both claims are allowed but have not been paid.

However, Petitioner filed Notices of Rejection of the FTB claim on 12/16/15, but on 2/1/16 and again on 2/16/16, the FTB filed withdrawals of its claim, indicating that the claim has been satisfied. Therefore, the proposed proportional distribution is inappropriate, since the claim has been both rejected and apparently satisfied, and the BOE claim has now been allowed, but not paid.

Need revised petition and order reflecting payment of claims as allowed.

Status RE: Proof of Funds in Blocked Account

DOD: 10/16/11	WALTER SHERWOOD CHANCE , a resident of Louisiana, is Executor with Limited IAEA without bond, with all funds to be held in a blocked account.	NEEDS/PROBLEMS/COMMENTS:
		1. Need Receipt and Acknowledgment of Order for the Deposit of Money into Blocked Account (Mandatory Judicial Council Form MC-356) signed by an authorized representative of the financial institution or written status report pursuant to Local Rule 7.5.
Cont. from	On 8/2/16, the Court confirmed the sale of estate real property and granted Executor's request to deposit the proceeds of the sale into an account at Sabine State Bank & Trust in Leesville, Louisiana.	Note: Probate Code §9700 requires that funds be maintained in a financial institution in this state (California).
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg	Minute Order 8/2/16 states the Court reserves the right to require an account be opened in Fresno County if there is any delay in depositing the proceeds for any reason.	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 8/22/16
		Updates:
		Recommendation:
		File 5- Chance

Attorney Deborah K. Boyett (for Co-Conservators Melinda Murray and Melanie Welch)

Probate Status Hearing Re: Filing of the Next Account

		MELINDA MURRAY and MELANIE WELCH , daughters, were appointed Co-Conservators of the Person and Estate on 7/7/2014.	NEEDS/PROBLEMS/COMMENTS: 1. Need second account of the conservatorship estate, or current verified status report and proof of service of the status report pursuant to Local Rule 7.5(B).
		Minute Order dated 11/3/2015 from the hearing on the first account set a status hearing on 8/30/2016 for the filing of the next account, and indicates no appearance is necessary on 8/30/2016 if the petition is filed at least two court days prior.	
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: LEG
			Reviewed on: 8/23/16
			Updates:
			Recommendation:
			File 6- Ratliff

Second Report and Final Account

DOD: 4/14/16			CATHERINE MARY KELLEY , Daughter and Conservator of the Person and Estate with bond of \$111,624.00, is Petitioner.
Cont. from 062116			Account period: 1/15/15 – 1/29/15
	Aff.Sub.Wit.	S/P	Accounting: \$84,147.05
✓	Verified		Beginning POH: \$81,347.05
✓	Inventory		Ending POH: \$80,622.99
	PTC		
	Not.Cred.		Account period: 2/5/15 – 4/14/16
✓	Notice of Hrg		Accounting: \$118,878.19
✓	Aff.Mail	w	Beginning POH: \$80,622.99
	Aff.Pub.		Ending POH: \$67,335.04 (\$6,261.32 cash plus personal property valued at \$61,073.72)
	Sp.Ntc.		Conservator waives compensation
	Pers.Serv.		Attorney waives compensation
	Conf. Screen		Petitioner states the decedent died testate, survived by his wife Nona Shannon, among others. Nona is entitled to all remaining cash and personal property (including the vehicle) and will execute an affidavit pursuant to §13100. (Declaration filed 8/18/16.)
✓	Letters		
	Duties/Supp		Petitioner states the decedent's home was sold pursuant to Order Confirming Sale 4/11/16. Upon payment of the encumbrances, the conservatorship estate received no money from the sale.
	Objections		
	Video Receipt		
	CI Report		
✓	2620		Petitioner requests an order that:
✓	Order		1. This account and report be approved and settled;
	Aff. Posting		2. The acts of the conservator shown in the account and report be approved;
	Status Rpt		3. That the change in title to the conservatee's automobile be approved and confirmed to Conservator;
	UCCJEA		4. That the remaining balance in the account of \$214.35 be distributed to Conservatee's wife, Ms. Nona Shannon, as there are no other assets or charges against the estate;
	Citation		5. That possession of the Conservatee's furniture and furnishings in the possession of the Conservatee's wife and in storage be approved and confirmed to Ms. Shannon;
	FTB Notice		6. That the Conservator be discharged as conservator of the person and estate; and
			7. For such other and further orders as the Court may deem proper.

NEEDS/PROBLEMS/COMMENTS:
<u>OFF</u> <u>CALENDAR</u>
<u>Amended petition filed 8/18/16 is set for hearing on 10/3/16.</u>
Reviewed by: skc
Reviewed on: 8/24/16
Updates:
Recommendation:
File 8- Shannon

Petitioner Heather H. Kruthers (for Public Administrator, Successor Trustee)

Probate Status Hearing Re: Filing of the First Account

		PUBLIC ADMINISTRATOR was appointed Successor Trustee by <i>Minute Order</i> dated 6/16/2015 from the hearing on the <i>Petition to Remove Trustee to Appoint Public Administrator and to Compel Trustee to Account</i> filed by ANTHONY J. CORDISCO on 4/23/2015.	NEEDS/PROBLEMS/COMMENTS:
		<i>Minute Order</i> dated 6/30/2015 from the status hearing regarding providing documents to the Public Administrator set a status hearing on 8/30/2016 for the filing of the first account of the Trust, and states that no appearance is necessary at the status hearing if the account is filed at least two court days prior.	
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt	Reviewed on: 8/23/16	
<input type="checkbox"/>	UCCJEA	Updates:	
<input type="checkbox"/>	Citation	Recommendation:	
<input type="checkbox"/>	FTB Notice	File 9- Cordisco	

10 Don A. Valles aka Don Andrew Valles aka Andrew Candia Valles (Estate)
Case No. 15CEPR01220

Attorney **Hastrup, John (for Administrator Emilio Valles)**

Status RE: Proof of Bond

DOD: 10/11/15	EMILIO VALLES , Son, was appointed Administrator with Limited IAEA with bond of \$65,000.00 on 5/31/16.	NEEDS/PROBLEMS/COMMENTS:
		Continued from 6/28/16. As of 8/22/16, bond has not been filed and Letters have not issued. The following issues remain noted:
Cont. from 062816	Bond has not been filed and as such, Letters have not issued.	<ol style="list-style-type: none"> 1. Need bond of \$65,000.00 or written status report per Local Rule 7.5. 2. Administrator Emilio Valles was previously represented by Attorney Philip Flanigan but appears now to be represented by Attorney John Hastrup. Need Substitution of Attorney. (Attorney Flanigan has filed a Request for Special Notice.)
Aff.Sub.Wit.		
Verified		<p>Note: Numerous creditor's claims have been filed in this estate that will require action pursuant to Probate Code §9250.</p>
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 8/22/16
		Updates:
		Recommendation:
		File 10- Valles

Attorney Jeffrey D. Simonian (for Executor Armen L. George)

Probate Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 4/10/2015	ARMEN L. GEORGE , child, was appointed Executor with Full IAEA authority with bond of \$152,500.00 on 3/29/2016.	NEEDS/PROBLEMS/COMMENTS:
		Note: Due to the delay in filing proof of bond and the <i>Letters</i> having issued on 5/23/2016, the final inventory and appraisal is not yet due pursuant to Probate Code § 8800(b). Continuance of this status hearing to a date on or after the following may be necessary to allow additional time for filing of the final inventory and appraisal:
Cont. from	Proof of Bond in the sum of \$152,500.00 was filed on 5/23/2016.	<ul style="list-style-type: none"> Monday, October 24, 2016 at 9:00 a.m. in Dept. 303 for filing the final inventory and appraisal.
Aff.Sub.Wit.		
Verified	Letters issued on 5/23/2016.	Pursuant Local Rule 7.5, if the document noted above is filed 10 days prior to the date listed, the hearing will be taken off calendar and no appearance will be required.
Inventory		
PTC		Reviewed by: LEG Reviewed on: 8/23/16 Updates: Recommendation: File 12- George
Not.Cred.	Pursuant to Probate Code § 8800(b) , <i>Final Inventory and Appraisal</i> is due 9/23/2016 .	
Notice of Hrg		
Aff.Mail	Minute Order dated 3/29/2016 from the hearing on the petition for probate set the matter for a Status Hearing on 8/30/2016 for filing of the final inventory and appraisal.	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

Petitioner Gloria M. Encinas (Pro Per, paternal grandmother)

Petition for Appointment of Guardian of the Person

		TEMPORARY GRANTED ON COURT'S OWN MOTION EXPIRES 6/28/2016; extended to 7/26/2016; extended to 8/30/2016;	NEEDS/PROBLEMS/COMMENTS:
			<u>Continued from 7/26/2016.</u>
Cont. from 051716, 062816, 072616		GLORIA M. ENCINAS, paternal grandmother, is Petitioner.	<u>Note for background:</u> Minute Order dated 6/28/2016 from a previous hearing states Ms. Encinas needs to keep trying to locate [the maternal grandfather] Jose Mora, including looking on Facebook.
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W/	
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.		
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
✓	Clearances		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
		~Please see Petition for details~	
		Court Investigator's Report was filed on 4/29/2016.	
			1. If Court does not find due diligence per the Declaration filed 5/31/2016, 7/8/2016, and 8/12/2016, Court may require proof of service by mail of the Notice of Hearing with a copy of the Petition for Appointment of Guardian, or Consent to Appointment of Guardian and Waiver of Notice, for:
			<ul style="list-style-type: none"> Jose Simon Mora, maternal grandfather.
			Reviewed by: LEG
			Reviewed on: 8/23/16
			Updates:
			Recommendation:
			File 13- Encinas

Attorney Jeff S. Shepard, of Selma (for Petitioner Kenneth L. McEwen, spouse)

Petition for Probate of Will and for Letters Testamentary with IAEA

DOD: 12/24/2014	KENNETH L. MCEWEN , spouse and named Executor without bond, is Petitioner.		NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> Court will set Status Hearings as follows: <ul style="list-style-type: none"> Monday, January 30, 2017 at 9:00 a.m. in Dept. 303 for the filing of the final inventory and appraisal; and Monday, October 30, 2017 at 9:00 a.m. in Dept. 303 for the filing of the first account and/or petition for final distribution. Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.
	Full IAEA: OK		
Cont. from 080206	Will Dated: 7/1/2014		
<input type="checkbox"/> Aff.Sub.Wit.	S/P	Residence: Fresno	
<input checked="" type="checkbox"/> Verified		Publication: Business Journal	
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg			
<input checked="" type="checkbox"/> Aff.Mail	W/		
<input checked="" type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
Estimated value of the Estate: Real property - \$1,200,000.00 Annual income RP - \$ 60,000.00 Total - \$1,260,000.00			
Probate Referee: Steven Diebert			
			Reviewed by: LEG Reviewed on: 8/23/16 Updates: Recommendation: SUBMITTED File 15- McEwen

18 Angel Rangel, Ellah Osornio (GUARD/P) Case No. 16CEPR00678

Petitioner: Tony Ramirez Rangel (pro per)

Petitioner: Sandra Lydia Salazar (pro per)

Objector: Baldomero Montano (pro per)

Petition for Appointment of Guardian of the Person

		<p>TEMPORARY (granted to Sandra Salazar only) Expires 8/30/16.</p> <p>SANDRA SALAZAR, maternal grandmother, and TONY RANGEL, maternal step-grandfather, are petitioners.</p> <p>Please see petition for details.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>	
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W/
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.			W/
✓	Conf. Screen			
	Letters			
✓	Duties/Supp			
✓	Objections			
	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			<p>Reviewed by: KT</p> <p>Reviewed on: 8/24/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 18- Rangel/ Osornio</p>	

Petition for 1. Removal of Trustee 2. Accounting 3. Surcharge to Trustee for Damage to Estate 4. Damages for Breach of Fiduciary Duty 5. Appointment of Successor Trustee

DOD: 2/19/05		ROBERT BROOME, JR. , Beneficiary, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
<p>Removal of Trustee: Petitioner states he is one of three living children of Jacqueline C. Broome, DOD 2/19/05. Jacqueline C. Broome as settlor created the trust on 8/29/02, which provided that upon her death, her daughter J. TERRY VAWTER would become successor trustee. Ms. Vawter became successor trustee and has acted in that role since approx. February 2005.</p> <p>The primary assets of the trust at this time is a parcel commonly known as 1730 N. Hayes Avenue in Fresno (the Trust Property) has three homes and several outbuildings. A separate property was distributed pursuant to the trust to beneficiary Alison Shuman.</p> <p>Retention of Real Property: The Trust Property was offered for sale when the decedent was still alive on 12/11/04, along with an adjacent property owned by Ms. Vawter (the Vawter Property), for \$1,000,000.</p> <p>Two offers for \$1,000,000 were received on 1/21/05 and 3/11/05. On 3/14/05, after the decedent's death, Ms. Vawter as trustee obtained an MAI appraisal of the Trust Property and the Vawter Property, which concluded that the Trust Property had a value of \$980,000 and the Vawter Property had a value of \$350,000. The cost of the appraisal was paid for by the trust.</p> <p>Despite the two offers, the Trust Property was not sold and to this day remains unsold.</p> <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p>			<p>Reviewed by: skc</p> <p>Reviewed on: 8/24/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 19- Broome</p>

Page 2 – Advancing Personal Benefit Before Beneficiaries: Petitioner states Ms. Vawter signed a listing agreement with Realty Concepts on or about 8/25/15; however, the agreement provided that the sale was to include both properties, a clear conflict of interest. In addition, the properties were marketed for sale together for \$450,000 with a description of the features of both properties and stating the properties must be sold together. See petition for full description.

Petitioner states the listing agreement fails to allocate the price for each property, and states the marketing description is false: the Trust Property has the shop and barn; the Vawter Property does not. Also, Ms. Vawter has no legal obligation to sell the Vawter Property with the Trust Property. She has specifically and purposefully linked the sale of her real property with that of the Trust because it is to her personal advantage to do so., as the Vawter Property is a smaller and less desirable lot.

Unaccounted Rents: The Trust Property has three houses on it, referred to as the Main House, Dot's House, and Marty's House. Ms. Vawter has wasted and mismanaged the trust estate by failing to rent, collect rent, and adequately account for rent, and failed to ensure that the assets are being prudently used. She allowed the main house to remain vacant from 2005 through November 2014, although she paid property taxes and insurance and did minor repairs on the vacant home. She rented the main house to her daughter Aimee for \$400/month, less rent credits for repairs and improvements. When Petitioner objected to the amount, Ms. Vawter raised the rent to \$800.

Petitioner states Aimee is boarding horses at the main house, which are using a pasture watered by a pump located on the Vawter Property. With boarding included, Aimee is not paying enough rent. Board for a single horse on pasture starts at no less than \$100/month. Aimee has one or two horses and should pay at least that much more. In addition, if the cost to operate the pump to irrigate the pasture is more than the income derived from its use, that creates a loss for the trust. Petitioner believes fair market rent for the main house is \$1,000/month.

Dot's House is a two-room studio brick house on the Trust Property. It was rented from 2007-2015 by "Mary," for \$175/month. Petitioner did not object to this rent. The house was empty until Ms. Vawter's son Frank moved in around April 2016 for \$225/month. Petitioner does not object to this rent. Marty's House has been unoccupied since February 2005. Fair market rent is approx. \$200/month. Note that the advertisement includes Dot's House and Marty's House as "potential rental units."

Missing rent: Petitioner states in response to his demand for accounting, Ms. Vawter was unable to account for \$2,100 in rents. Without explanation, she made a payment of \$700 from her personal funds, and later made payment of \$850, but is still unable to account for missing rent of at least \$550.

Undisclosed "Loan": Petitioner states on 9/21/05, Ms. Vawter transferred \$50,000 from the trust to her own account, and intentionally hid and failed to disclose that she had transferred that sum to her personal account, and continued to hide and fail to disclose the fact until forced to provide copies of bank records in 2015. On 3/30/06, six months after removing the \$50,000, Ms. Vawter deposited that money back into the account; however, failed to disclose the underlying removal or her repayment of the trust money. She had ostensibly provided "annual" summaries of trust financial activities, yet omitted disclosing the loan to herself.

SEE ADDITIONAL PAGES

Page 3 – Petitioner states Ms. Vawter has wrongfully neglected the estate and has long neglected to act as a fiduciary to the beneficiaries and file a complete accounting, despite having been requested to do so in writing on 5/19/15. The trust estate has still not been distributed and closed. Ms. Vawter is in breach of her fiduciary duties to the beneficiaries entitled to distribution. Removal of Ms. Vawter is necessary for protection of the trust estate and interested persons.

Petitioner prays for relief as follows:

1. That Ms. Vawter be removed as trustee;
2. For an order that Ms. Vawter make an accounting and surrender all property and records in her possession belonging to the trust estate;
3. For an order requiring Ms. Vawter to forthwith provide an accounting in compliance with Probate Code §§ 1060-1064;
4. For an order and judgment charging Ms. Vawter with losses to the estate under Probate Code §16440;
5. For interest on such losses at the maximum legal rate;
6. For costs of suit;
7. For Reasonable attorney's fees;
8. For compensatory damages to compensation Petitioner and the Trust estate for all losses sustained as a result of Ms. Vawter's breach of her fiduciary duties;
9. For an order appointing Petitioner Robert Broome, Jr., as trustee without bond; and
10. For such other orders as the Court may deem proper.

Examiner's Note: Petitioner is the second named successor trustee without bond.

Petitioner Maningding, Lito (Pro Per – Father – Petitioner)

Petitioner Maningding, Marilu (Pro Per – Mother – Petitioner)

Petition for Appointment of Temporary Conservator of the Person

See petition for details.			NEEDS/PROBLEMS/COMMENTS: Court Investigator advised rights on 8/19/16 1. Need clarification: Petitioners list three relatives at #11 but their relationships to Craig are not stated. <u>Note:</u> The list should include all relatives within the second degree, which includes grandparents. (If deceased, please so state.) 2. Need Notice of Hearing. 3. Need proof of personal service of Notice of Hearing with a copy of the temp petition at least five court days prior to the hearing per Probate Code §2250(e) on Proposed Conservatee Craig Maningding. 4. Need proof of service of Notice of Hearing with a copy of the temp petition at least five court days prior to the hearing per Probate Code §2250(e) on relatives listed at #11.
			Reviewed by: skc Reviewed on: 8/24/16 Updates: Recommendation: File 21- Maningding
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail	X	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	X	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		